




Clayton County Police Department

PROCEDURES

Subject BREATHALYZER ROOMS		Procedure # B19	
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I. PURPOSE

To establish guidelines and procedures for the temporary detention of detainees who are transported to a Clayton County Police Department (CCPD) facility to take a state administered breath test (inside a breathalyzer room) pursuant to a driving under the influence (DUI) arrest.

II. POLICY

It shall be the policy of the Clayton County Police Department (CCPD) that officers will maintain constant supervision of any detainee that is taken into custody and/or transported to a Department facility for processing (i.e., breath test).

III. DEFINITIONS

Booking: A procedure for admitting to a holding facility a person charged with an offense; includes searching, fingerprinting, photographing, medical screening, collecting personal history data, and inventorying and storing a person's property.

Constant Supervision: The direct, personal supervision and control of a detainee by the attending officer who can immediately intervene on behalf of the Department or the detainee.

Custody: Legal or physical control of a person in an area or facility or while in transit; legal supervisory, or physical responsibility for a person.

Detainee: A person in custody of Department personnel and whose freedom of movement is at the will of Department personnel.

Holding Facility: A confinement facility outside of a jail where detainees are housed, receive meals, and can be detained for periods involving days and overnight stays for a period of not more than seventy-two (72) hours, excluding holidays and weekends.

Intake: The point at which a juvenile offender enters the juvenile system. Intake may be initiated on request of the law enforcement agency, but the intake process is generally supervised by a probation agency, juvenile court, or special intake unit.

Jail: A confinement facility where detainees are housed in excess of seventy-two (72) hours.

Processing: Includes pre-booking activities (e.g., fingerprinting, photographing, testing, interviewing, inventory of property, etc.) involving detainees in custody, after which detainees may be either released from custody by one of several means or be escorted to a holding facility, at which time they would be booked.

Processing Room: A processing room, also referred to as a testing room, is defined as a room or area used by sworn personnel to process detainees.

Temporary Detention: Measured in hours and does not involve housing or feeding detainees except in extenuating circumstances.

Temporary Detention Room: A temporary detention room is defined as a location (room or cell) where a detainee is locked in and left unattended, while they are not being processed.

IV. PROCEDURES

A. General

1. When an individual is arrested, they are transported to the appropriate detention facility, if possible. When it is necessary, detainees may be taken to an approved Department facility (e.g., headquarters or designated precinct) for processing, in conjunction with an arrest, prior to being booked into a detention facility.
2. All detainees should be properly handcuffed and thoroughly searched for weapons and contraband before they are transported, and each time the detainee enters custody of an officer.
3. **The Department does not operate a holding facility nor does it maintain or authorize a temporary detention room; hence, officers will maintain constant supervision of any detainee that is taken into custody and/or transported to a Department facility for processing (i.e., breath test).**

B. Arrest

1. After an officer has administered field sobriety tests and/or determined that a driver is impaired, the officer should at that time place the driver under arrest for Driving Under the Influence (DUI). For further information on DUI procedures refer to CCPD SOP: *D42: Traffic Enforcement*.
2. Department-issued and/or approved handcuffs will be applied before the driver (hereinafter referred to as detainee) is searched, to prevent escape. The handcuffs should be double locked, with the detainee's hands placed behind the back, thumbs facing upward, and palms facing outward, unless a medical condition or other reason exist.

C. Search of Detainee

1. The arresting officer will conduct a thorough search of the detainee before being secured and placed inside the transport vehicle.
2. All items in possession of the detainee shall be thoroughly examined. If the detainee is in possession of any weapons or any other potentially dangerous items (e.g., lighters, matches, etc.), they shall be removed from the detainee.

D. Implied Consent Law

1. Once the detainee is placed under arrest for DUI, the detainee becomes subject to testing procedures under the Implied Consent Law.
2. State administered chemical tests will be offered in accordance with the Georgia Implied Consent Law and departmental policies and procedures.

E. Breath Test Operator Request

Whenever an officer requests a detainee to submit to a breath test for alcohol and they agree to submit to such test, the arresting officer will request a breath test operator, if necessary, to respond to a Department facility (e.g., headquarters or a specified precinct location) to administer the test. If available, the breath test operator will respond to the Department facility that was specified by the arresting officer, to administer the breath test.

F. Transport of Detainee

When it is necessary to bring a detainee to a Department facility first for processing (i.e. breath test), the detainee shall be transported as soon as possible and in accordance with departmental policies and procedures. See also CCPD SOP: *D24: Transportation of Detainees*.

G. Escorting a Detainee

When walking a detainee from one location to another, the officer will walk behind the detainee and off to the side so that the officer's firearm will be on the side away from the detainee. The officer will be close enough to the detainee to maintain control and prevent attack or escape. The officer will escort the detainee inside the Department facility through an employee entrance that is not accessible by the public.

H. Detainee Supervision

1. All detainees brought to a Department facility for a breath test shall be under the continuous control or supervision of the arresting officer or an officer assigned to guard or process the detainee. At no time will any detainee be left unobserved. If at any time the arresting officer or officer assigned to guard a detainee must leave the detainee's presence, another officer shall be required to maintain visual contact with the detainee until the previous officer has returned.
2. The detainee will remain under constant supervision of the arresting officer, or any other officer assigned to watch the detainee, even when it becomes necessary to allow the detainee the use of a toilet.
 - a. Two (2) officers will escort the detainee to the restroom to prevent escape. Circumstances may dictate that same gender officers accompany the detainee inside the restroom.
 - 1) Before any detainee uses the restroom, an officer will search for and remove from the restroom any items which may be used as a weapon or means of escape.
 - 2) Detainees should be instructed not to flush until the officer checks the location.
 - 3) The restroom will be searched again, after the detainee has vacated the restroom.
 - b. Detainees will be allowed reasonable access to water; meals are not provided.

I. Department Processing Rooms

The designated processing rooms for a breath test to be administered are the breathalyzer rooms. There is a breathalyzer room located at headquarters, and a breathalyzer room located at the Sector 1, 2, and 3 precincts.

1. All rooms utilized for breath tests will be equipped with chairs for detainee and officer use.
2. Detainees of different genders will be separated by sight and sound from one another.
3. Juvenile detainees will be separated from adult detainees by sight and sound. For additional information regarding juvenile detainees refer to CCPD SOP: *A10: Juvenile Procedures*.

J. Security Measures

1. Officers will search the detainee before entry to the breathalyzer room, even if they were previously searched at the time of arrest.
2. Prior to each use, officers will inspect the breathalyzer room for weapons, contraband, or any object that could be used as a weapon or means of escape, prior to placing a detainee inside the room and immediately after removal of a detainee from the room.
 - a. Any weapons or contraband shall be immediately seized by the officer. In the event any weapons or contraband are found, the officer will immediately notify their supervisor and document such findings in their report.

- b. Any object that can be used as a weapon or means of escape, whether explicitly designed as such or not, shall be secured by the officer.
 - c. If any minor issues or concerns are discovered, the officer will notify their supervisor immediately and document the issues or concerns on a *Memorandum (Memo)* and forward it to their supervisor for subsequent resolution.
- 3. Only authorized personnel for work related reasons (e.g., breath test operator, assisting officer) shall be allowed inside the breathalyzer rooms.
 - 4. Officers may retain custody of their weapons while processing detainees inside the breathalyzer rooms. Officers will use all necessary precautions to prevent a detainee from obtaining control of their firearm. To prevent weapon acquisition by an individual being detained, officers shall practice safe positioning and proximity to the detainee. Officers shall keep their gun side away from the detainee and ensure that the detainee does not have access to other weapons (e.g., OC spray, TASER, baton).
 - 5. If an officer needs assistance, any means of communication may be used including, but not limited to, portable radio and alert button, telephone/cellular phone and verbal request. Emergency assistance may be requested, if the circumstances require it.

At least one (1) officer participating and/or monitoring the test shall have their portable radio readily available to summon assistance, as needed.
 - 6. The arresting officer **should not** remove a detainee's handcuffs at a Department facility unless ordered to so by a supervisor and/or whenever it is necessary. If the detainee is violent, the arresting officer should make sure that adequate personnel are on hand to control the detainee. If there is any doubt as to officer safety, the handcuffs will remain in place.
 - 7. Officers **will not** connect a detainee's restraints to fixed objects, unless an object (e.g., ring or bar) specifically designed and intended for such purpose is installed in the breathalyzer room.
 - 8. Officers **will not** leave detainees unattended in the breathalyzer room or anywhere else inside a Department facility without immediate supervision.
 - 9. Detainees **shall not** be held for more time than it takes to properly process them.
 - 10. Smoking is not allowed inside any of the Department's breathalyzer rooms, nor is it allowed inside any Department facility.

K. Recording Equipment

The officer's body-worn camera (BWC) shall always remain activated while the officer is in the presence of the detainee and until the incident has concluded, this means when an arrest is made and when the detainee is transported to a Department and/or detention facility. See also CCPD SOP: *B13: Body-Worn and In-Car Cameras*.

Video cameras are installed at strategic locations around Department facilities for the safety and security of personnel, vehicles or any potential problems related to Department functions.

L. Evidentiary Test

The arresting officer will document the name of the officer that administered the breath test and the results of such test.

M. Transport to Detention Facility

Upon completion of processing procedures, the officer will transport the detainee to a detention facility in accordance with departmental policies and procedures.

N. Escape of a Detainee

It shall be the responsibility of each officer who takes custody of any detainee to take all prudent and reasonable action to prevent the escape of such detainee. However, should a detainee escape, the officer shall observe the following procedures:

1. Notify the dispatcher immediately at the time of escape.
2. Provide the dispatcher with the following information:
 - a. Location and time lapse since they were last seen;
 - b. Direction and method of travel, and means of escape;
 - c. Name and thorough description of the escapee, to include if the escapee was wearing restraints;
 - d. Notification as to whether the escapee is armed or unarmed;
 - e. The crime with which the escapee was last charged and any pending charges and/or prior history of violence;
 - f. Any accomplices;
 - g. Any probable destination;
 - h. Any other information regarding the safety of others and/or leading to the apprehension of the escapee;
 - i. Try to recapture the escapee if feasible, and as soon as possible; and
 - j. Notify their immediate supervisor as soon as possible.
3. The dispatcher shall then broadcast the information to all Department units and notify other agencies of the possibility that the escapee may be entering their jurisdiction.
4. The Uniform Patrol Division (UPD) Supervisor for the sector where the escape occurred, will direct the Department's response and will ultimately determine when to terminate the search.
5. A review of the escape incident will be conducted by the involved officer's supervisor.

O. Training

Sworn personnel will receive initial training coordinated by the Academy & Training Unit which should address the resources that are available during the temporary detention phase; contingencies for dealing with unruly or combative detainees; alternate procedures, such as immediately transporting combative or uncooperative detainees to a more secure facility; or delaying necessary processing until a court order can be obtained. Sworn personnel are also provided with in-service training at least once every four (4) years.

P. Inspections

1. All employees are responsible for maintaining a clean working environment and ensuring that all Department facilities are safe from any type of hazards. Employees will report conditions requiring attention through the chain of command.
2. All supervisors are responsible for the ongoing inspection of the general condition, cleanliness, damage, usability, and safety of the Department's facilities and to take corrective action, when possible. Problems that cannot be corrected by a supervisor should be reported through the chain of command immediately, with a *Memorandum (Memo)* describing the problem and recommended solution.
3. Prior to each use, officers will inspect the breathalyzer room for weapons, contraband, or any object that could be used as a weapon or means of escape, prior to placing a detainee inside the room and immediately after removal of a detainee from the room.

Any issues or concerns will be immediately forwarded to the officer's supervisor for notification and subsequent resolution.

4. Monthly

- a. On a monthly basis an inspection of the breathalyzer rooms located inside Department facilities will be conducted in the following manner:
 - 1) The Captain of the Traffic Unit and/or other Traffic Unit supervisor will inspect the breathalyzer room located at headquarters; and
 - 2) The Uniform Patrol Division (UPD) Sector Captains, and/or other Uniform Patrol Division (UPD) Supervisor, will inspect the breathalyzer rooms at their precincts.
- b. The monthly inspection shall be documented and address any problems or potential problems that may exist and a plan to resolve them.
- c. Once the inspection is completed the information shall be forwarded through the chain of command, filed, and maintained.

5. Annually

- a. An administrative review of the breathalyzer rooms located inside Department facilities will be conducted annually (once a year) as described below.
 - 1) The Special Operations (Spec Ops) Division Commander, or authorized designee, will review the breathalyzer room located at headquarters; and
 - 2) The Uniform Patrol Division (UPD) Commander, or authorized designee, will review the breathalyzer rooms located at the Sector 1, 2, and 3 precincts.
- b. The administrative review should ensure that departmental policies and procedures governing breathalyzer rooms are being followed and the use of such areas continue to be adequate for the Department's needs. The administrative review can also disclose more adequate arrangements for the processing areas.
- c. The respective Division Commander will forward the report to the Deputy Chief of Support Operations or to the Assistant Chief of Field Operations, and subsequently forwarded to the Chief of Police.

V. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *B19: Breathalyzer Rooms*, dated May 4, 2022.